

Remarks

1. Summary of Office Action

In the office action mailed February 21, 2008, the Examiner rejected claims 1-9, 13, 14, 15, 16, 18-21, 24-26, and 28-35 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Application Pub. No. 2002/0055916 (Jost). In addition, the Examiner rejected claims 10, 17, and 27 under 35 U.S.C. § 103(a) as being allegedly obvious over Jost in view of U.S. Patent No. 7,251,604 (Thenthiruperai). Further, the Examiner rejected claims 11, 22, and 36 under 35 U.S.C. § 103(a) as being allegedly obvious over Jost in view of U.S. Patent Application Pub. No. 2003/0084144 (Lipinski), and the Examiner rejected claims 12, 23, and 37 under 35 U.S.C. § 103(a) as being allegedly obvious over Jost in view of U.S. Patent No. 4,874,963 (Alspector).

2. Status of the Claims

Applicant has cancelled claims 5-7, 24-27, and 29 without prejudice.

In addition, Applicant has amended claim 1 to include the subject matter that was recited in dependent claim 7 (including the subject matter of the intervening claims), so that claim 1 now recites the subject matter of original claim 7. Applicant has accordingly cancelled claim 7 and intervening claims 5-6, and Applicant has amended claims 8 and 9 to depend directly from claim 1 rather than from the cancelled claims. Further, Applicant has amended claims 28 and 30 to depend from claim 1 rather than from now cancelled claim 24.

Applicant has also added a new claim 38, which similarly recites the subject matter of original claim 8.

In addition, Applicant has amended claim 14 to better define the recited article, and Applicant has amended claim 18 for consistency with amended claim 14.

Further, Applicant has amended claim 31 to add subject matter analogous to that originally recited in claim 7 (now recited in claim 1), indicating that the prompts are included in voice browser pages implemented with VoiceXML, and that the respective weights are stored in one or more attribute tags that are communicated between at least two of the voice browser pages.

Now pending are claims 1-4, 8-23, 28, and 30-38, of which claims 1, 14, 31, and 38 are independent and the remainder are dependent.

By making these amendments, Applicant does not acquiesce in the rejections or assertions by the Examiner regarding the teachings of the art. Rather, Applicant has made these amendments to expedite prosecution.

3. Response to the Rejections

a. Claims 1, 2-4, 8-13, 28, and 30

Of these claims, claim 1 is independent. As noted above, claim 1 now recites the subject matter that original claim 7 recited. That subject matter includes "a browser, wherein the prompts are included in one or more browser pages that are operatively coupled in the system, wherein the browser comprises a voice browser and the browser pages are implemented with VoiceXML, and wherein the respective weights are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages."

The Examiner rejected claim 7 as being allegedly anticipated by Jost. However, a review of Jost reveals no disclosure of the subject matter of claim 7 as a whole, including the element of "a browser, wherein the prompts are included in one or more browser pages that are operatively coupled in the system, wherein the browser comprises a voice browser and the browser pages are implemented with VoiceXML, and wherein the respective weights are stored in one or more

attribute tags that are communicated between at least two of the one or more browser pages." Therefore, Jost did not anticipate original claim 7, and Jost likewise does not anticipate amended claim 1.

In rejecting claim 7, the Examiner asserted that "Jost clearly shows the system, wherein the respective weights are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages (page 6, paragraph 0097, lines 3-6; and fig. 4)." However, Applicant has reviewed the cited portion of Jost and Jost as a whole, and Applicant has found no such teaching. The cited text of Jost teaches at best that the question data structure of Jost comprises a question data structure that does not result in the selection of a record as a result of an answer. Yet that teaching does not relate to the claim function of storing the respective weights in attribute tags communicated between at least two of the browser pages. Furthermore, the cited figure of Jost likewise fails to mention or show anything related to storing the respective weights in attribute tags communicated between at least two of the browser pages.

Because Jost does not disclose the entire subject matter of original claim 7, Applicant submits that the Examiner erred in rejecting claim 7 as being anticipated by Jost. As claim 1 now recites the subject matter that was recited by original claim 7, Applicant submits that claim 1 is therefore allowable. Furthermore, without conceding any of the Examiner's other assertions, Applicant submits that dependent claims 2-4, 8-13, 28, and 30 are allowable as well for at least the reason that they each depend ultimately from allowable claim 1.

Applicant also notes that, in rejecting claim 1, the Examiner relied on paragraph 0021 of Jost as allegedly teaching the claim function of processing the weights to determine one or more overall weights of the call and routing the call to an appropriate location based at least in part on the overall weight(s). In particular, the Examiner asserted that the "average weight" mentioned

in paragraph 0021 of Jost constitutes the overall weight determined for the call in claim 1. A review of that paragraph of Jost reveals, however, that the "average weight" is not a weight for a call but is rather an average of the least number of questions required to be answered by a user to arrive at a particular machine operation, where the system of Jost uses that such an average in order to determine which next question to present to the user. Not only does the average weight mentioned there not constitute an overall weight of the call as recited in claim 1, but Jost teaches at paragraph 0021 that the average is used to select a next question, not to determine ultimately where to route the call. This is consistent with Jost's teaching throughout that the user's response to a given question will be used as a basis to select a next question to present to the user.

Applicant submits that the Examiner's reliance on the "average" taught by paragraph 0021 of Jost is therefore misplaced. For this additional reason, Applicant submits that the Examiner erred in rejecting claim 1 (and claim 7) and that claim 1 is allowable.

b. Claim 38

As noted above, claim 38 recites the subject matter that original claim 8 recited. That subject matter includes "a browser, wherein the prompts are included in one or more browser pages that are operatively coupled in the system, wherein the browser comprises a voice browser and the browser pages are implemented with VoiceXML, and wherein the responses are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages."

The Examiner rejected claim 8 as being allegedly anticipated by Jost. However, a review of Jost reveals no disclosure of the subject matter of claim 8 as a whole, including the element of "a browser, wherein the prompts are included in one or more browser pages that are operatively coupled in the system, wherein the browser comprises a voice browser and the browser pages are

implemented with VoiceXML, and wherein the responses are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages." Therefore, Jost did not anticipate original claim 8, and Jost likewise does not newly added claim 38.

In rejecting claim 8, the Examiner asserted that "Jost clearly shows the system, wherein the responses are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages (page 6, paragraph 0092; and fig. 4)." However, Applicant has reviewed the cited portion of Jost and Jost as a whole, and Applicant has found no such teaching. The cited text of Jost teaches at best that a processor conducts speech recognition and implements an answer translator. Yet that teaching does not relate to the claim function of storing the responses in attribute tags communicated between at least two of the browser pages. Furthermore, the cited figure of Jost likewise fails to mention or show anything related to storing the responses in attribute tags communicated between at least two of the browser pages.

Because Jost does not disclose the entire subject matter of original claim 8, Applicant submits that the Examiner erred in rejecting claim 8 as being anticipated by Jost. As claim 38 now recites the subject matter that was recited by original claim 8, Applicant submits that claim 38 is therefore allowable.

Furthermore, as discussed above, the Examiner also erred in concluding that paragraph 0021 of Jost teaches the claim function of processing the weights to determine one or more overall weights of the call and routing the call to an appropriate location based on the one or more overall weights. For this additional reason, Applicant submits that the Examiner erred in rejecting claim 1 (and claim 8) and that claim 38 is allowable.

c. Claims 14-23

Of these claims, claim 14 is independent. As noted above, the Examiner rejected claim 14 as being allegedly anticipated by Jost. Applicant has amended claim 14, however, and submits that claim 14 as amended patentably distinguishes over Jost for largely the same reason that claim 1 patentably distinguishes over Jost.

As amended, claim 14 recites that the machine readable instructions, when executed, carry out various functions including "generating a plurality of prompts to solicit respective responses from the caller, where the prompts are included in and generated from voice browser pages", "assigning multiple weights to the call based upon the responses", and "communicating the weights in one or more attribute tags between at least two of the voice browser pages".

Applicant submits that Jost does not teach the subject matter of claim 14 as a whole, including "generating a plurality of prompts to solicit respective responses from the caller, where the prompts are included in and generated from voice browser pages", "assigning multiple weights to the call based upon the responses", and "communicating the weights in one or more attribute tags between at least two of the voice browser pages".

As noted above, the Examiner asserted when rejecting claim 7 that "Jost clearly shows the system, wherein the respective weights are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages (page 6, paragraph 0097, lines 3-6; and fig. 4)." However, Applicant has reviewed the cited portion of Jost and Jost as a whole, and Applicant has found no such teaching.

Because Jost does not teach the subject matter of amended claim 14, Applicant submits that Jost does not anticipate claim 14 and that claim 14 is therefore allowable. Furthermore, without conceding the Examiner's other assertions, Applicant submits that dependent claims 15-

23 are allowable as well for at least the reason that they each depend ultimately from allowable claim 14.

d. Claims 31-37

Of these claims, claim 31 is independent. As noted above, the Examiner rejected claim 31 as being allegedly anticipated by Jost. Applicant has amended claim 31, however, and submits that claim 31 as amended patentably distinguishes over Jost for largely the same reason that claim 1 patentably distinguishes over Jost.

As amended, claim 31 recites a method "wherein the prompts are included in voice browser pages implemented with VoiceXML, the method further comprising storing the respective weights in one or more attribute tags that are communicated between at least two of the voice browser pages."

Applicant submits that Jost does not teach the subject matter of claim 31 as a whole, including "wherein the prompts are included in voice browser pages implemented with VoiceXML, the method further comprising storing the respective weights in one or more attribute tags that are communicated between at least two of the voice browser pages."

As noted above, the Examiner asserted when rejecting claim 7 that "Jost clearly shows the system, wherein the respective weights are stored in one or more attribute tags that are communicated between at least two of the one or more browser pages (page 6, paragraph 0097, lines 3-6; and fig. 4)." However, Applicant has reviewed the cited portion of Jost and Jost as a whole, and Applicant has found no such teaching.

Because Jost does not teach the subject matter of amended claim 31, Applicant submits that Jost does not anticipate claim 31 and that claim 31 is therefore allowable. Furthermore, without conceding the Examiner's other assertions, Applicant submits that dependent claims 32-

37 are allowable as well for at least the reason that they each depend ultimately from allowable claim 31.

e. Claims 10, 17, and 27

As noted above, the Examiner rejected each of these dependent claims as being allegedly obvious over Jost in view of Thenthirupera. However, Thenthirupera is disqualified as prior art under 35 U.S.C. § 103(c), because Thenthirupera and the present application were, at the time the presently claimed invention was made, owned by the same person (Sprint Spectrum L.P.). Accordingly, the rejections of claims 10, 17, and 27 should be withdrawn.

Applicant has additionally cancelled claim 27, so the rejection of claim 27 is moot. Further, Applicant has amended claim 1, from which claim 10 depends, and for the additional reasons noted above submits that claim 10 is allowable. And still further, Applicant has amended claim 14, from which claim 17 depends, and for the additional reasons noted above submits that claim 17 is allowable.

4. Conclusion

For the foregoing reasons, Applicant submits that claims 1-4, 8-23, 28, and 30-38 are allowable, and Applicant therefore respectfully requests favorable action.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is invited to call the undersigned at (312) 913-2141.

Respectfully submitted,

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Dated: May 21, 2008

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